

PHILLIP A. TALBERT  
Acting United States Attorney  
KATHERINE E. SCHUH  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CESAR CASTRO,  
  
Defendant.

CASE NO. 1:21-CR-00181-DAD-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: January 12, 2022  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 12, 2022.
2. By this stipulation, defendant now moves to continue the status conference until February 9, 2022, and to exclude time between January 12, 2022, and February 9, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The undersigned defense counsel was appointed to take over the case on November 1, 2021.
  - b) The government has represented that the discovery associated with this case includes investigative reports, body camera video, and criminal history information. All of this discovery was provided to prior defense counsel and is in the process of being re-provided to

1 current defense counsel, and has been made available for inspection and copying.

2 c) Counsel for defendant desires additional time to review the discovery, discuss the  
3 case with his client, conduct additional investigation, and discuss potential resolution with the  
4 government.

5 d) Counsel for defendant believes that failure to grant the above-requested  
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
7 into account the exercise of due diligence.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of January 12, 2022 to February 9,  
14 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
16 of the Court's finding that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 29, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ KATHERINE E. SCHUH  
KATHERINE E. SCHUH  
Assistant United States Attorney

Dated: December 29, 2021

/s/ Douglas C. Foster  
Douglas C. Foster  
Counsel for Defendant  
CESAR CASTRO

### FINDINGS AND ORDER

At the request of the parties, the January 12, 2022 status conference hearing in the above case is CONTINUED until February 9, 2022 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 13, 2021 through January 12, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161 (h)(1)G), 3161(h)(7)(A), and 3161(h)(7)(B)(i) and (iv).

IT IS SO ORDERED.

Dated: January 3, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE